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*Plaintiffs' Counsel*

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

**SAN FRANCISCO DIVISION**

IN RE PACIFIC FERTILITY CENTER  
LITIGATION

This Document Relates to:  
Case No. 3:18-cv-01586  
(A.B., C.D., E.F., G.H., and I.J.)

Case No. 3:18-cv-01586-JSC

**DECLARATION OF AMY M. ZEMAN IN  
SUPPORT OF PLAINTIFFS'  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL**

I, Amy M. Zeman, declare as follows:

1. I am a partner at the law firm Gibbs Law Group LLP, counsel for plaintiffs in the above-captioned action. I submit this declaration in accordance with Civil Local Rule 79-5 in support of Plaintiffs' Administrative Motion to Seal the following documents or portions thereof:

- Portions of Plaintiffs' Opposition to Chart's Motions to Exclude Kasbekar, Wininger and Grill;
- Portions of Plaintiffs' Opposition to Chart's Motion for Summary Judgment; and
- Certain exhibits to the Declaration of Amy M. Zeman in Support of Plaintiffs' Opposition to Motions to Exclude Kasbekar, Wininger and Grill and to Motion for Summary Judgment, including those listed after paragraph 5 below.

2. On November 5, 2020, the Court entered the Parties' second Amended Stipulated Protective Order, under which a party or non-party may designate information or items that it produces or discloses in response to discovery as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY." (ECF No. 598, ¶ 5.2.) Paragraph 12.3 of the Stipulated Protective Order prohibits a party from filing in the public record any Protected Material without written permission from the Designating Party or a court order secured after appropriate notice to all interested persons. (*Id.* ¶ 12.3).

3. The following portions of **Plaintiffs' Opposition to Chart's Motions to Exclude Kasbekar, Wininger and Grill** quote, reference, or otherwise rely on documents designated as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" pursuant to the Second Amended Stipulated Protective Order.

Page	Line(s)	Designating Entity
3	14 - 19	Chart
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5	Image	Chart
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17	1 - 8	Chart
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19	4 - 5	Chart
19	14 - 28	Chart
21	11 - 25	Chart
21	27 - 28	Chart
22	1 - 12	Chart
22	15 - 19	Chart
23	9 - 18	Chart
26	2 - 4	Chart

4. The following portions of **Plaintiffs’ Opposition to Chart’s Motions for Summary Judgment** quote, reference, or otherwise rely on documents designated as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” pursuant to the Second Amended Stipulated Protective Order.

Page	Line(s)	Designating Entity
2	10-14	Chart
2	21-25	Chart
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8	Image at bottom right	Chart
10	1-10	Chart
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Page	Line(s)	Designating Entity
11	Image	Chart
12	1-23	Chart
12	27-28	Chart
12	Image	Chart
13	1	Chart
14	9-11	Chart
14	13-18	Chart
14	21-27	Chart
15	1-14	Chart
15	18	Chart
15	26-27	Chart
16	1-2	Chart
16	8-12	Chart
21	16-18	Chart
21	25-26	Chart
24	7-8	Chart
24	10	Chart
26	11-13	Chart
27	5-7	Chart
28	13-15	Chart
30	25-28	Chart
31	1-3	Chart
31	6-7	Chart
31	25-28	Chart
32	1-2	Chart
32	4-10	Chart

5. The following exhibits to the Declaration of Amy M. Zeman in Support of Plaintiffs' Opposition to Motions to Exclude Kasbekar, Wininger and Grill and to Motion for Summary Judgment quote, reference, or otherwise rely on documents designated as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" pursuant to the Second Amended Stipulated Protective Order.

Exhibit	Document Description	Portions to be Sealed	Designating Entity
1	11/06/20 Report of A. Kasbekar, as amended on 11/30/20	Figures 1-74 p.5, sentence 4 p.6, first 4 lines p.6-7, full ¶ spanning pages p.6, first full ¶ pp.10-35	Chart

Exhibit	Document Description	Portions to be Sealed	Designating Entity
		p.36, all but last two lines p.37, first full ¶ p.37-38, ¶ spanning pages pp.38-57 pp.59-61 p.62, first two lines	
2	11/06/20 Report of E. Leaphart	p.1, Summary of Opinions, No. 1-4 p.7 (excluding ¶1) p.8, 4.1, ¶¶2-5 pp.10-32 p.35, ¶¶6.1, 6.2 p.36, ¶¶ 6.3, 6.4 p.38, ¶1	Chart
3	11/24/20 J. Cauthen Deposition Excerpts	In full	Chart
5	11/20/20 Supplemental Report of F. Miller	p.4, ¶III.E(3) pp.6-7, ¶IV.B p.8, section V pp.12-22, ¶VI.B (incl. Figures 4-13) p.23, section VIII	Chart
6	11/06/20 Report of R. Parrington	In full	Chart
7	11/25/20 A. Kasbekar Deposition Excerpts	26:18 – 32:10 37:8-12 51:22 – 55:25	Chart
8	12/13/2019 A. Kasbekar Deposition Excerpts	67:24-25 93:1 – 94:25	Chart
9	11/16/20 R. Parrington Deposition Excerpts	82:21 – 83:6 83:10 – 85:3 91:1-4 92:4-9 97:23-24 102:24 – 103:1 111:12-23 114:23-25 140:4-19 140:23-24	Chart
10	CHART070444	In full	Chart
12	12/04/20 Rebuttal Report of R. Parrington	In full	Chart
13	12/04/20 Rebuttal Report of A. Kasbekar	pp.1-18 Figures 1-7	Chart
15	11/30/20 D. Wininger Deposition Excerpts	37:1-4 37:22-24	Chart
16	11/23/20 G. Centola Deposition Excerpts	In full	Chart

DECLARATION OF AMY M. ZEMAN IN SUPPORT OF PLAINTIFFS' ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
CASE NO. 3:18-cv-01586-JSC

Exhibit	Document Description	Portions to be Sealed	Designating Entity
17	11/06/20 Report of E. Grill, as amended on 11/19/20	Plf. names at pp.1-3, 20-54, Exhibit A	Plaintiffs
18	12/11/20 A. Lawson Deposition Excerpts	115:14 (Plf. Name)	Plaintiffs
22	12/01/20 F. Miller Deposition Excerpts	In full	Chart
23	12/15/20 A. Kasbekar Deposition Excerpts	In full	Chart
27	CHART050770	In full	Chart
28	12/04/20 Report of A. Lawson	Plf. names at pp. 3, 8-9, 11, and 18	Plaintiffs
35	01/23/20 J. Brooks Deposition Excerpts	In full	Chart
41	01/14/20 J. Junnier Deposition Excerpts	In full	Chart
42	CHART034331-33	In full	Chart
43	CHART051322-30	In full	Chart
44	CHART062204-13	In full	Chart
45	CHART070695-701	In full	Chart
46	CHART008310-20	In full	Chart
48	02/06/20 K. Gustafson Deposition Excerpts	In full	Chart
50	02/18/20 R. Gonzalez Deposition Excerpts	In full	Chart
51	CHART004576-79	In full	Chart
53	CHART070093	In full	Chart
54	EXTRON000225-30	In full	Extron
55	CHART033664-65	In full	Chart
56	CHART08978-79	In full	Chart
57	EXTRON004150-51	In full	Extron
58	CHART017944-47	In full	Chart
59	CHART038721-25	In full	Chart
60	CHART002854-55	In full	Chart
61	02/20/20 B. Wade Deposition Excerpts	104:21 – 105:25 127:4-12	Chart
62	CHART028403-05	In full	Chart
63	CHART020048-53	In full	Chart
64	CHART007923-25	In full	Chart
65	11/06/20 Report of N. Jewell	Tables at pp.9, 13, 14, 19, 23, 27, 28, 33, 38, 40, 42-43, 45-46, 48-49, 51, 54, 58, 61, 63, 66 ¶¶ 31-44, 46-55, 57-69, 71-78, 80-84, 86-89, 91-111, 113-139 Fns. 6, 11-13, 15, 18-21, 23-25, 27-28, 30-34, 36-40, 42-45, 47, 49-50, 52-53, 55-56, 58-62, 64-77, 79-88	Pacific MSO
68	11/06/20 Report of S. Somkuti, as amended on 11/16/20	p.2, V (Plf. Names) p.3, ¶1 (Plf. Names) pp.12-13, ¶29	Plaintiffs (for names)

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Exhibit	Document Description	Portions to be Sealed	Designating Entity
		p.14-22 and ii-iii (Plf. Names, initials, and delivery dates)	Pacific MSO (pp.12-13, ¶29)
69	11/06/20 J. Cauthen Deposition Excerpts	p.4, "Findings," No. 1-4 pp.8-12, ¶II.A p.23, "Conclusion," No. 1-4	Chart
70	10/05/20 B. Ingram Deposition Excerpts	65:16 - 67:25	Chart
74	11/18/20 E. Leaphart Deposition Excerpts	76:10-25	Chart
75	CHART015541-43	In full	Chart
76	CHART058287-93	In full	Chart
78	CHART031817	In full	Chart
79	PFC_000027-36	In full	PFC

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 29th day of January 2021, in San Rafael, California.

/s/Amy M. Zeman

Amy M. Zeman

**CERTIFICATE OF SERVICE**

I hereby certify that on January 29, 2021, I electronically filed the forgoing with the Clerk of Court using the CM/ECF system, which will send notice of such filing to all counsel of record.

Dated: January 29, 2021

/s/Amy M. Zeman

Amy M. Zeman